

### **REMARKS**

In response to the Office Action mailed August 20, 2009, the Assignee respectfully requests reconsideration. Claims 1, 2, 4, 5 and 21-32 were previously pending for examination. Claims 1 and 25-30 have been amended herein. Claims 33-35 have been added. No claims have been canceled. As a result, claims 1, 2, 4-5 and 21-35 are currently pending for examination, with claims 1, 25 and 30 being independent. No new matter has been added.

### **Rejections Under 35 U.S.C. 102**

The Office Action rejects claims 1-2, 4-5 and 21-32 under 35 U.S.C. 102(b) as purportedly being anticipated by Begeja et al (U.S. Patent No. 6,243,445). The Assignee respectfully maintains the clear traversal of this rejection presented in the Assignee's previous response filed May 4, 2009. In addition, the Assignee respectfully points out that the outstanding Office Action is incomplete because it fails to address the substance of any of the arguments presented in traversing the rejection in the prior response, as required by MPEP 707.07(f).

#### **I. The Outstanding Office Action is Improper**

In the previous Office Action mailed March 3, 2009, claims 1-2 and 4-5 were rejected under 35 U.S.C. 102(b) as purportedly being anticipated by Begeja. In a response thereto filed May 4, 2009, the Assignee traversed this rejection.

At page 2, the outstanding Office Action states that "Applicant's arguments with respect to claims 1-2, 4-5 and 21-32 have been considered but are moot in view of the new ground of rejection." However, the outstanding Office Action maintains precisely the same rejection of claims 1-2 and 4-5 under 35 U.S.C. 102(b) as purportedly being anticipated by Begeja. The maintenance of the rejection without responding to the traversal presented in the Assignee's previous response renders the Office Action incomplete. MPEP 707.07(f) states that "[i]n order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner

must provide clear explanations of all actions taken by the examiner during prosecution of an application... Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." "The examiner must address all arguments which have not already been responded to in the statement of the rejection" (MPEP § 707.07(f), Examiner Note 1).

The rejection of claims 1-2 and 4-5 as given at pages 2-4 of the outstanding Office Action is repeated word-for-word from the previous Office Action mailed March 3, 2009, and as such entails no "new ground of rejection", as purported at page 2 of the outstanding Office Action. The outstanding Office Action gives no new grounds for rejecting claims 1-2 and 4-5, and fails to address the traversal of the rejection presented in the Assignee's previous response.

If the rejection of the claims is to be maintained, the Assignee respectfully requests that the Examiner address the substance of the Assignee's arguments.

## II. Claim 1 and the Claims Depending Therefrom

The Assignee respectfully maintains the traversal of the rejection of independent claim 1 under 35 U.S.C. 102(b) over Begeja presented in the response to the previous Office Action. As argued in previous responses, the computing system recited in claim 1 is a personal computing system (e.g., in some embodiments, the personal computing system may be a computer residing in a user's home and/or the user's laptop computer). The previous Office Action asserts that because Begeja discloses that a "user calls into the system and manages personal email" (page 2 of the Office Action mailed October 30, 2008), Begeja discloses a "personal computing system." The Assignee respectfully asserts that one of ordinary skill in the art would not have understood the telephone-data network access device 102 of Begeja to be a personal computing system. Indeed, Begeja specifically states that the telephone-data network access device is not a personal computer. For example, in column 1, line 65 – column 2, line 7, Begeja states that:

By the above described techniques, callers who do not have access to devices such as a personal computer may access the data network and take advantage of the rich

resources available through the data network. For example, callers may be traveling and not have access to a personal computer but wish to retrieve information from the network. In such circumstances, the telephone-data network access device provides the caller the ability to interface with the data network *without using a device such as a personal computer*. (Emphasis added).

Begeja explicitly states that the telephone-data network access device is *not* a personal computer. Accordingly, the Office Action's position that the telephone-data network access device 102 is a personal computing system is contradictory to the explicit teaching in Begeja. Thus, Begeja directly supports the Assignee's assertion that the telephone-data network access device is indeed not a personal computer, and therefore, Begeja fails to disclose or suggest a method for requesting information and/or services from at least one remote service server through a personal computing system as recited in claim 1. Therefore, claim 1 patentably distinguishes over Begeja and is in allowable condition.

Claims 2, 4, 5 and 21-24 depend from claim 1 and are allowable for at least the same reasons. In addition, although the outstanding Office Action rejects the dependent claims using the same rejection given for claim 1, citing the same sections of the Begeja reference, each of the dependent claims recites different limitations from claim 1. For example, dependent claims 21-42 recite limitations such as the personal computing system being in the user's home, being owned by the user, and including a portable computer, and the user paying no fee for access to the personal computing system. No mention of any of these limitations is made in the Office Action's broadly cited sections of Begeja, nor anywhere else in the reference. In fact, it is explicitly stated that Begeja's system "bills the caller's account" (Begeja: col. 8, lines 62-63), in direct contradiction of the limitations related to the user paying no fee recited in some dependent claims. If the rejections of the dependent claims are to be maintained, the Examiner is requested to point out where Begeja is believed to disclose the limitations in each of the claims.

The Assignee notes the outstanding Office Action's statement at page 2 that "re-inserting the limitations that were removed in claim 1... would achieve favorable consideration for allowance based on the newly revised claim." Some of the limitations removed from claim 1 in the Assignee's

previous response filed May 4, 2009, are included in various added dependent claims. The Examiner is encouraged to call the undersigned at the telephone number listed below to clarify which limitations the Examiner believes would move the claims to allowance.

III. Claim 25 and the Claims Depending Therefrom

Independent claim 25 recites at least one computer readable medium encoded with instructions that, when executed on at least one computer, perform a method for remotely requesting information and/or services from at least one remote service server through a personal computing system. For reasons that should be clear from the foregoing discussion of Begeja, Begeja fails to disclose or suggest the limitations recited in claim 25. Therefore, claim 25 patentably distinguishes over Begeja and is in allowable condition. Claims 26-29 depend from claim 25 and are allowable for at least the same reasons.

IV. Claim 30 and the Claims Depending Therefrom

Independent claim 30 recites a personal computing system for requesting information and/or services from at least one remote service on behalf of a user. For reasons that should be clear from the foregoing discussion of Begeja, Begeja fails to disclose or suggest the limitations recited in claim 30. Therefore, claim 30 patentably distinguishes over Begeja and is in allowable condition. Claims 31-32 depend from claim 30 and are allowable for at least the same reasons.

V. New Claims 33-35

Claims 33-35 have been added as dependent claims reciting a personal computing system receiving a telephone call from a user at the user's home telephone number. Support for this limitation can be found at least at paragraph [0037] of the application as filed. Begeja's telephone-data network access device is nowhere described as receiving a telephone call at the user's home telephone number. Rather, Begeja states, "the caller calls the telephone-data network access device 102 by dialing an 800 number" (Begeja: col. 2, lines 49-50). For at least these reasons, claims 33-35 patentably distinguish over Begeja and are in allowable condition.

General Comments on Dependent Claims

Because each of the dependent claims depends from a base claim that is believed to be in condition for allowance, the Assignee believes that it is unnecessary at this time to argue the further distinguishing features of all of the dependent claims. However, the Assignee does not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor does the Assignee concur that the basis for the rejection of any of the dependent claims is proper. Therefore, the Assignee reserves the right to specifically address in the future the further patentability of the dependent claims not specifically addressed herein.

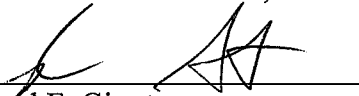
**CONCLUSION**

In view of the foregoing, the present application is believed to be in condition for allowance. A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the application in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, any necessary extension of time is hereby requested. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70562US00.

Dated: November 19, 2009

Respectfully submitted,  
Nuance Communications, Inc.

By   
Richard F. Giunta  
Registration No.: 36,149  
WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
617.646.8000

x11/20/2009x